

REMARKS

The Office action mailed on 18 March 2005 (Paper No. 20050315) has been carefully considered.

Claims 14, 16 and 19 are being canceled without prejudice or disclaimer, and claims 11, 17 and 20 are being amended. Thus, claims 11-13, 15, 17, 18 and 20-30 are pending in the application.

On page 2 of the Office action, the Examiner maintained the restriction requirement, and claims 21 thru 30 stand withdrawn from consideration. Applicant objects to the imposition of the restriction requirement for the reasons previously stated.

On page 3 of the Office action, the Examiner rejected claim 11 under 35 U.S.C. §102 for alleged anticipation by Langguth, U.S. patent No. 658,991. On page 4 of the Office action, the Examiner rejected claims 12 and 13 under 35 U.S.C. §103 for alleged unpatentability over Langguth '991 in view of Macchia, U.S. Patent No. 3,054,321. On pages 4-5 of the Office action, the Examiner rejected claims 14 and 18 thru 20 under 35 U.S.C. §103 for alleged unpatentability over Langguth '991 in view of Macchia '321. On pages 5-6 of the Office action, the Examiner rejected claims 15 thru 17 under 35 U.S.C. §103 for alleged unpatentability over Langguth '991 in view of Nishinoue, Japanese Patent Publication No. 08-52085. For the reasons stated below, it is submitted that the invention

recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 or §103.

Applicant respectfully submits that the invention as recited in amended independent claim 11 is distinguishable from Langguth '991 and/or Macchia '321 so as to preclude rejection under 35 U.S.C. §102 or §103. In that regard, Langguth '991 discloses a soap cake and holder for soap cake. The Examiner alleges that Langguth '991 discloses a support body (b) buried in a bar of soap (A), as seen in Figure 2 of the patent. The Examiner further alleges that Langguth '991 discloses first connecting means, identified by the Examiner as comprising the unnumbered horizontal portion located between the soap holder (B) and the chain (b³). The Examiner further alleges that Langguth '991 discloses second connecting means identified by the Examiner as comprising the removable head (b).

Whereas the removable head (b) of Figure 2 of Langguth '991 does extend out of the bar of soap (A), it does not perform the function recited in claim 11. That is, the removable head (b) does not connect the bar of soap to any other item. Langguth '991 does not at all mention or suggest such a function. In fact, Langguth '991 teaches away from such a function for the removable head (b) when it discloses that the functions of the removable head (b) include only the following: (1) when the head (b) is removed, it permits the soap to be placed upon the holder (*see* page 1, lines 37-39 of the patent); and (2) the removable head (b) is secured to or made integral with prongs (b') which are adapted to engage lateral

openings (b²) in the body of the holder so as to lock the head (b) in place once it is positioned as shown in Figure 2 of the patent. Furthermore, it is obvious from the disclosure of Langguth '991 that, once the bar of soap A is positioned on the holder B, the removable head (b) is reattached to the bottom of the holder B so as to secure the bar soap A in place.

None of the above functions has anything to do with attaching the bar of soap or its holder to another bar of soap or another item via the removable head (b). Thus, in this respect, Langguth '991 teaches away from any function of connecting the bar of soap to another such item or other items.

Thus, a rejection under 35 U.S.C. §102 for direct anticipation is clearly inappropriate. Moreover, by virtue of the recitation of the function of the second connecting means (as recited in the penultimate paragraph of claim 11), in combination with the "teaching away" from that function contained in Langguth '991, a rejection under 35 U.S.C. §103 for alleged obviousness is also inappropriate.

In the latter regard, the Examiner (on page 3 of the Office action) dismisses the recitation of "connecting the bar of soap to one of the other items" (as recited in claim 11) as "merely functional, i.e., the claim is not positively requiring that the second connecting means be connected to another structure" (quoting from page 3, lines 12-13 of the Office action). However, the recitation of the function of the second connecting means of claim

11 cannot be dismissed in this manner because to do so negates the authority and meaning of 35 U.S.C. §112 (sixth paragraph), which states that, when an element of a claim is recited in “means” plus “function” format, the “claim shall be construed to cover the corresponding structure” (quoting from the statute). Accordingly, both the means and the function must be taken into account in evaluating the scope of the claim. Thus, Langguth ‘991 does not disclose or suggest a second connecting means which has the function of “connecting the bar of soap to one of the other items” (quoting from claim 11). In fact, as mentioned above, the only item having any similarity whatsoever to the recited second connecting means is the head (b) shown in Figure 2 of Langguth ‘991, since it does extend out of the bar of soap from a bottom portion thereof, but (as also mentioned above) Langguth ‘991 teaches away from any function of connecting the bar of soap to one of other items when it expressly discloses the functions of the removable head (b) as stated above, the primary function being to retain the bar of soap on the holder (B) once the removable head (b) is reattached to the holder (B).

Dependent claim 14 has been cancelled and its recitation has been added to independent claim 11 by amendment. This provides a further basis for distinguishing the invention from the prior art cited by the Examiner. In that regard, claim 11 now recites that the second connecting means comprises a shaft having a socket type clip formed on an end of the shaft for connection to an enlarged end of an insertion shaft extending from one of the other items. The Examiner cited Macchia ‘321 as disclosing an insertion shaft 22 having an enlarged end 40 which is inserted into a socket type clip 30^b (see Figure 9 of the patent).

However, Applicant respectfully disagrees with this citation for the following reasons.

As mentioned above, Langguth '991 does not at all discuss the possibility of connecting the removable head (b) of Figure 2 to any other item. In fact, as also mentioned above, Langguth '991 teaches away from such a function for the removable head (b) when it states various other, unrelated functions for the removable head (b). Thus, one of ordinary skill in the art, upon reviewing the disclosure of Langguth '991, would not be motivated or instructed to seek and incorporate the disclosure of Macchia '321 into the disclosure of Langguth '991. This is true not only because Langguth '991 does not contain any motivation, suggestion or instruction as to connection of any other item to the removable head (b) of Figure 2 thereof, but also because the disclosure of Macchia '321 is that of a screw assembly with a ball and socket connection, the principal purpose of which is the "provision of a quick detachable connection for screws and the like threaded members employed in electrical circuits" (emphasis supplied -- quoting from column 1, lines 12-15 of Macchia '321). Thus, one of ordinary skill in the art, being confronted with the disclosure of a soap cake and holder for same in Langguth '991 would not at all be motivated or prompted to look into the technical class dealing with detachable connectors for electrical circuits, as represented by the disclosure of Macchia '321.

For these reasons, the combination of Langguth '991 with Macchia '321 is an improper combination under 35 U.S.C. §103. It is respectfully submitted that the only reason

that the Examiner has been prompted to seek another reference in an effort to provide a combination of references which would result in a connection of another item to removable head (b) of Figure 2 of Langguth '991 is that the Examiner, unlike one of ordinary skill in the art, has had the benefit of reviewing and learning from the disclosure of the present application. Moreover, once receiving the benefit of the disclosure of the present application, the Examiner has selected a reference from the technical class dealing with detachable connectors for electrical circuits (represented by Macchia '321) in an effort to provide the disclosure of Langguth '991 with a capability which was never disclosed, suggested or anticipated by the patentee of Langguth '991. For this reason, a rejection of independent claim 11 under 35 U.S.C. §103 based on Langguth '991 in combination with Macchia '321 should be determined to be an improper rejection, and should not be set forth.

Dependent claim 17 is being amended to appear in independent form, and provides a further basis for distinguishing the invention from the prior art cited by the Examiner. In that regard, claim 17 recites the second connecting means as comprising a shaft having a ring formed at an end of said shaft for connection to a hook formed on an end of a further shaft extending from one of the other items. The Examiner has cited the combination of Langguth '991 with Japanese Patent No. 8-52085 to Nishiinoue under 35 U.S.C. §103. Nishiinoue '085 discloses a hanging tool for a bar of soap. Specifically, Nishiinoue '085 discloses a bar of soap 1 in which a shaft part 3 of a hanging tool 2 is embedded so that a hanging part 4 extends from the bar of soap for hanging the bar of soap after use so as to drain water from

the bar of soap. However, there is no disclosure or suggestion whatsoever in Nishiinoue '085 of the function of hanging another item from a bottom of the bar of soap.

It is recognized that Figure 10 of Nishiinoue '085 does disclose hanging parts extending from both ends of the bar of soap. However, again, there is no disclosure or suggestion whatsoever of hanging another item from the bar of soap. Rather, both hanging parts 4, 5 extending from each end of the bar of soap are intended to hang the bar of soap itself from a hanging device, such as the string 10 shown in Figure 6.

In addition, as mentioned above with respect to the combination of Langguth '991 with Macchia '321, Langguth '991 does not contain any disclosure or suggestion whatsoever of use of the removable head (b) for the purpose of hanging other items from a bar of soap. Rather, Langguth '991 teaches away from that function by disclosing the entirely unrelated function or use of the removable head (b) to secure the bar of soap on the holder (B), as well as the other two unrelated functions discussed above. Thus, one of ordinary skill in the art, when confronted with the disclosure of Langguth '991, would not at all be motivated to seek any other disclosure, such as that of Nishiinoue '085, for the purpose of securing any other items to the bottom of the bar of soap disclosed in Langguth '991. For this reason, the rejection of claim 17 under 35 U.S.C. §103 is inappropriate, and should be withdrawn.

Dependent claim 20 has also been amended to appear in independent form, and provides a further basis for distinguishing the invention from the prior art. Claim 20 has been rejected under 35 U.S.C. §103 based on the combination of Langguth '991 with Macchia '321. For the reasons stated above relative to claim 11, the rejection of claim 20 under 35 U.S.C. §103 is also inappropriate, and should be withdrawn.

With respect to claim 20, that claim recites the second connecting means as comprising a shaft having a nut part formed on an end of the shaft for connection to a bolt formed on an end of a further shaft extending from one of the other items. On page 5 of the Office action, the Examiner states that Macchia '321 teaches a connection device comprising a first connecting means having a shaft 22 (*see* Figure 7) with a bolt formed on an end, the bolt being inserted into a second connecting means having a nut part 26^a (*see* page 5, lines 10-13 of the Office action). However, this description does not coincide with the disclosure of Macchia '321.

That is to say, in Figure 7, Macchia '321 discloses a partially spherical end 40 of a screw 22 which is inserted into a socket 30 formed on the head 26^a of a screw 22^a. Thus, Macchia '321 does not disclose a shaft having a **bolt** formed on the end of the shaft for connection to a **nut part** formed on an end of a hanging device, as recited in claim 12. Rather, Macchia '321 discloses a pair of screws 22 and 22^a which can be connected together.

In addition, as pointed out above, Macchia '321 pertains to the technical area of detachable connectors for electrical circuits. This is an area entirely distinct and separate from the area of connected solid soaps with a keeping unit, as disclosed and claimed in the present application, and is entirely separate and distinct from the area of soap cakes and holders for same as disclosed in Langguth '991. Thus, one of ordinary skill in the art, upon being confronted with the disclosure of a soap cake and holder for same in Langguth '991, would not be prompted, instructed or motivated to seek the disclosure of a connector for electrical circuitry as set forth in Macchia '321. As also stated above, it is respectfully submitted that the only reason that the Examiner has been able to combine these two references is that the Examiner has been motivated and instructed by the disclosure and claims of the present application. This is a benefit which one of ordinary skill in the art would not have. For these reasons, the rejection of claim 20 under 35 U.S.C. §103 is improper, and should be withdrawn.

Dependent claim 18 (dependent from claim 11) recites the first connecting means as comprising a shaft having a bolt formed on an end of the shaft for connection to a nut part formed on an end of the hanging device. This is similar to the recitation of the first connecting means set forth in claim 20. Thus, for the same reasons as set forth with respect to claim 20, the rejection of claim 18 under 35 U.S.C. §103 is inappropriate, and should be withdrawn. Moreover, as stated above, one of ordinary skill in the art, upon being confronted with the disclosure of Langguth '991, which does not mention at all or suggest

in any way any connection of another item to the bottom of a bar of soap, would not be motivated to seek the disclosure of Macchia '321, especially since Macchia '321 pertains to the entirely different and separately technical class of detachable connectors for electrical circuitry.

Finally, independent claim 12 recites the first connecting means as comprising an insertion shaft which is enlarged at its end for insertion into a socket type clip provided at an end of a hanging device. In this regard, the Examiner admits that Langguth '991 does not disclose or suggest such a first connecting means. However, the Examiner cites Macchia '321 as allegedly disclosing a first connecting means having an insertion shaft 22 which is enlarged at its end 40 and which is inserted into a socket type clip 36^b (citing Figure 9 of Macchia '321). Thus, the arguments set forth above relative to amended independent claim 11 apply equally to independent claim 12. In addition, again, the Examiner is combining Langguth '991 and its disclosure of a soap cake and holder for same with Macchia '321 which pertains to the entirely separate and distinct class of screw assemblies with quick detachable ball and socket connections for "removable connectors for electrical circuitry". One of ordinary skill in the art, upon being confronted with the disclosure of Langguth '991, and not having the benefit of reviewing the present application, would not be motivated or instructed to seek and incorporate the disclosure of Macchia '321 as a supplement to the entirely different disclosure of Langguth '991.


Moreover, as mentioned above, the elements in Figure 9 of Macchia '321 are not intended for connecting a bar of soap to a hang device, as recited in independent claim 12. Thus, the rejection of claim 12 under 35 U.S.C. §103 based on the combination of Langguth '991 and Macchia '321 should be considered an improper rejection under 35 U.S.C. §103, and should be withdrawn.

For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 or §103.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A fee of \$710.00 is incurred by the addition of two (2) independent claims in excess of three (3), and by the concurrently filed Petition for a three-month extension of time for **SMALL ENTITY**. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



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Date: 9/19/05
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